2004 GUIDEBOOK FOR NONCANDIDATE COMMITTEES



State of Hawaii Campaign Spending Commission

January, 2004

SCHEDULE OF REPORTING DATES 2004 ELECTION PERIOD Noncandidate Committee

Organizational Report (Form NC-1)

To be filed within ten days from the date a Noncandidate Committee accepts or makes any contribution or any expenditure, the aggregate of which is more than \$1,000.

REPORT	REPORTING PERIOD		REPORTING DATE
Supplemental	November 6-December (This report is the first rep the Disclosure Report (Fo	ort for the election	period. Column B of
Supplemental	January 1-June 30, 200)3	July 30, 2003
Supplemental	July 1-December 31, 20	003	January 30, 2004
Preliminary Primary	January 1-September 3	3, 2004	September 8, 2004
Late Contributions	September 3-September (Report is to be filed for the more than \$500 that are no calendar days through four primary, general or special	ne reporting of cont nade or received v Ir calendar days p	tributions aggregating within the period of fifteen rior to a primary, special
Primary/1 st Sp	ecial Election	September 18	, 2004
Final Primary	September 4-18, 2004		October 8, 2004

Preliminary General September 19-October 18, 2004 October 22, 2004

Late Contributions October 18-29, 2004 October 29, 2004

(Report is to be filed for the reporting of contributions aggregating more than \$500 that are made or received within the period of fifteen calendar days through four calendar days prior to a primary, special

primary, general or special general election.)

General/2nd Special Election November 2, 2004

Final Election Period October 19-November 2, 2004 December 2, 2004

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This guidebook is provided as a reference and informational source. It should not be construed to constitute legal advice or authority.

Readers should consult the Hawaii Revised Statutes and other sources for a complete and legal basis of the law or seek assistance from the Commission.

THE NONCANDIDATE COMMITTEE

An organization, association or individual qualifies as a noncandidate committee under the campaign spending law when they make contributions or expenditures in aggregate of \$1,000 in an election to influence the nomination and election of individuals to public office or the outcome of ballot questions or issues.

The noncandidate committee is often referred to as a political action committee or PAC. Hawaii law includes any ongoing committee that make contributions or expenditures for or against any candidate, party or any ballot question or issue. In addition to an organization, association or individual, the following entities may also be considered a noncandidate committee if they qualify-a partnership, corporation, company, labor union, political party, non-profit entity, or any group of individuals.

An individual is not considered a noncandidate committee when making a contribution or expenditure of the individual's own funds or anything of value that the individual originally acquired for the individual's own use.

When an organization, association or individual qualifies as a noncandidate committee, they are required to register and report with the Commission. Disclosure reports of contributions and expenses are filed before and after each election during an election year, and in non-election years supplemental reports are filed every six months.

If there are any questions regarding registration and reporting requirements, contact our office.

Campaign Spending Commission Leiopapa A Kamehameha Building 235 South Beretania Street, Room 300 Honolulu, Hawaii 96813

> Telephone: (808) 586-0285 Fax: (808) 586-0288

Web Page: www.hawaii.gov/campaign

Neighbor Island Noncandidate Committees:

For telephone inquires, please call the toll-free number for your respective island:

Kauai 274-3141 Maui 984-2400 Hawaii 974-4000

Molokai 1-800-GOV-INHI (486-4644)

Lanai 1-800-GOV-INHI

An automated voice will instruct you to dial the last five digits of the state office you wish to reach. For the Commission, the last five digits are 60285.

The Commission office is open from 7:45 a.m. to 4:30 p.m., Monday through Friday. The office is closed on regular state holidays.

HOW TO GET STARTED

I. Noncandidate Committee Registration

Within ten days after an organization, association, or individual qualifies as a noncandidate committee, they must register with the Commission by filing an Organizational Report (Form NC-1).

The Organizational Report form is available at the Commission's office or it can be downloaded from the Commission's website.

II. Organizational Report

When registering, a noncandidate committee must disclose information required by the campaign spending law. The filing of the Organizational Report is a one-time requirement, however, the noncandidate committee is required to affirm its accuracy annually by September 1. Any amendments to the Organizational Report at any time prior to September 1 must be reported to the Commission within ten days.

Information required on the Organizational Report is as follows:

Registration Number

The Commission assigns each noncandidate committee a registration number after the noncandidate committee has filed an Organizational Report. The registration number will be used by the Commission to identify each noncandidate committee.

Name and Mailing Address of the Noncandidate Committee

The noncandidate committee's name and mailing address is required to be included on the Organizational Report. Any name to identify the noncandidate committee is acceptable, but it must incorporate the name of the sponsoring entity, if any, and it may not include the name of a candidate. An acronym or abbreviation may be used in other communications if the acronym or abbreviation is commonly known or clearly recognized by the general public. Note that the mailing address provided on the Organizational Report will be used by the Commission to mail all correspondence to the noncandidate committee.

The noncandidate committee must also disclose the following information, the date the committee was organized, whether the committee is a political party or not, who the committee is sponsored by, and area, scope or jurisdiction of the committee. The area, scope or jurisdiction information can be completed by referring to Form NC-2.

Type of Report

A new committee is a noncandidate committee that is non-existent on the files of the Commission at the time the Organizational Report is being filed.

Amended Organizational reports must be filed no later than 4:30 p.m. on the tenth calendar day after the change is brought to the attention of the committee chairperson or treasurer. An amended Organizational Report should include the

committee's name, mailing address, and the change or correction (such as a change of treasurer, mailing address or committee depository).

Chairperson and Other Officers

The noncandidate committee is required to appoint at least one chairperson. The chairperson may also serve as the treasurer. The chairperson's name, mailing address, business and residence phone numbers, occupation, and the principal place of business must be provided on the Organizational Report. The chairperson is required to certify acceptance of the appointment.

Other officers may be appointed but is not required. In the event that other officers are appointed, the committee is required to provide the same information that is required of the chairperson, but the other officers are not required to certify acceptance of the appointment.

Treasurer and Custodian of Books and Accounts

The noncandidate committee is required to appoint at least one treasurer. The treasurer's name, mailing address, business and residence phone numbers, occupation and principal place of business must be provided on the Organizational Report. The treasurer is required to certify acceptance of the appointment.

Only an appointed treasurer is authorized to receive contributions or make expenditures on behalf of the committee. In case of death, resignation, or removal of the treasurer, the committee shall promptly appoint a successor. During the period the position of treasurer is vacant, the chairperson shall serve as treasurer. If the chairperson and treasurer are the same person, the committee shall immediately fill the two vacancies and file an amended Organizational report with the Commission.

The committee is also required to appoint at least one custodian of books and accounts and provide the same information that is required of the treasurer.

Committee Depository (Bank)

The noncandidate committee may open a committee depository to maintain the depositing of contributions and making of expenditures (expenditures include disbursements or contributions to candidates). If a committee depository is opened, it must be opened with a depository institution duly authorized to do business in the State, such as a bank, savings bank, savings and loan association, depository financial services loan company, credit union, intra-Pacific bank, or similar financial institution. The depository's name and address must be provided on the Organizational Report.

Committees choosing not to open a committee depository for depositing contributions and making expenditures may make contributions to candidates directly from their corporations own treasury account assuming one is already established. The depository's name and address for the corporate account must be provided on the Organizational Report.

ORGANIZATIONAL REPORT NONCANDIDATE COMMITTEE

L	JK C	Tric.	E USE	ONL.	1
REG. I	NO.				
DATE					

PLEASE TYPE OR PRINT CLEARLY WITH INK (INSTRUCTIONS ON THE BACK)

1. NONCANDIDATE COMMITTEE:	6. THIS REPORT IS FILED FOR THE FOLLOWING PURPOSE:
(a) Committee Name:	(Check One Box)
(b) Mailing Address:	(a) [] Registration of New Committee
. N	
(c) Phone:	(b) [] Amended
2. Date that the Committee was Organized:	An amended report is due 10 days after a change is brought to
3. Is this a Political Party? [] Yes [] No	the attention of the noncandidate committee.
4. Sponsored by:	
- M - 15 d	7. COMMITTEE DEPOSITORY (Bank):
5. Please specify the area, scope, or jurisdiction of this Committee:	(a) Depository Name:
(Refer to Form NC-2)	(b) Address:
DESIGNATED OFFICERS:	
8. CHAIRPERSON (Required)	9. TREASURER (Required)
(a) Full Name:	(a) Full Name:
(b) Mailing Address:	(b) Mailing Address:
(c) Phone: (Bus) (Res)	(c) Phone: (Bus) (Res)
(d) Occupation:	(d) Occupation:
(e) Principal Place of Business:	(e) Principal Place of Business:
(f) I hereby accept this appointment as Chairperson.	(f) I hereby accept this appointment as Treasurer.
Sign & Date	Sign & Date
40 OTHER OFFICER	
10. OTHER OFFICER	11. OTHER OFFICER
(a) Full Name:	(a) Full Name:
(b) Mailing Address:	(b) Mailing Address:
(o) Phone: (Bus) (Res)	(c) Phone: (Bus) (Res)
(d) Occupation:	(d) Occupation:
(e) Principal Place of Business:	(e) Principal Place of Business:
-	

12. SPECIFIC BALLOT QUESTION(S) OR ISSUE(S) SUPPO OR OPPOSING:	ORTING 13. CANDIDATE WHOM COMMITTEE IS SUPPORT OPPOSING:	ring or
Brief Description:	(a) [] Single Candidate/Name:	
	(b) [] Multi-Candidate	
14. CUSTODIAN OF BOOKS AND ACCOUNTS (Required)		
(a) Full Name:	(c) Phone: (Bus) (Res)	
(b) Mailing Address:	(d) Occupation:	
	(e) Principal Place of Business:	
I hereby certify that the information on this report is true, or	correct and complete to the best of my knowledge.	
Committee Chairperson Signature Date	Treasurer Signature De	ate

INSTRUCTIONS FOR COMPLETING THE ORGANIZATIONAL REPORT

Pursuant to Section 11-194(a), Hawaii Revised Statutes ("HRS"), each committee shall register by filing an Organizational Report with the Commission within ten days from the date a noncandidate committee receives any contributions or makes any expenditures, the aggregate amount of which is more than \$1,000. The Organizational Report shall contain the following information as prescribed in Section 11-196.5(a), HRS:

Line 1 (a)-Enter the Committee's full name, which may not include the name of a candidate.

Line 1 (b)-Enter the Committee's mailing address. Include city, state and zipcode.

Line 1 (c)-Enter the Committee's telephone number.

Line 2-Enter the date that the Committee was organized.

Line 3-Specify whether the Committee is a Political Party.

Line 4-Enter the name of the corporation or organization that is sponsoring the Committee.

Line 5-Select the appropriate area, scope, or jurisdiction of the Committee from Form NC-2. Select no more than three (3).

Line 6 (a)-Check this box to indicate that the Committee is registering as a new Committee.

Line 6 (b)-Check this box to indicate that the Committee is amending a previously filed Organizational Report.

Line 7 (a)-Enter the Depositories (Bank) full name.

Line 7 (b)-Enter the Depositories mailing address. Inlude city, state and zipcode.

Line 8 (a)-Enter the Chairperson's full name.

Line 8 (b)-Enter the Chairperson's mailing address. Include city, state and zipcode.

Line 8 (c)-Enter the Chairperson's business and residence telephone number.

Line 8 (d)-Enter the Chairperson's occupation.

Line 8 (e)-Enter the Chairperson's principal place of business. (i.e. Honolulu, HI; Washington, D.C.; Los Angeles, CA)

Line 8 (f)-Chairperson certifies to accept the appointment as the Chairperson of the Committee.

Line 9 (a)-Enter the Treasurer's full name.

Line 9 (b)-Enter the Treasurer's mailing address. Include city, state and zipcode.

Line 9 (c)-Enter the Treasurer's business and residence telephone number.

Line 9 (d)-Enter the Treasurer's occupation.

Line 9 (e)-Enter the Treasurer's principal place of business. (i.e. Honolulu, HI; Washington, D.C.; Los Angeles, CA)

Line 9 (f)-Treasurer certifies to accept the appointment as the Treasurer of the Committee.

Line 10 (a)-Enter the Other Officer's full name.

Line 10 (b)-Enter the Other Officer's mailing address. Include city, state and zipcode.

Line 10 (c)-Enter the Other Officer's business and residence telephone number.

Line 10 (d)-Enter the Other Officer's occupation.

Line 10 (e)-Enter the Other Officer's principal place of business. (i.e. Honolulu, HI; Washington, D.C.; Los Angeles, CA)

Line 11 (a)-Enter the Other Officer's full name.

Line 11 (b)-Enter the Other Officer's mailing address. Include city, state and zipcode.

Line 11 (c)-Enter the Other Officer's business and residence telephone number.

Line 11 (d)-Enter the Other Officer's occupation.

Line 11 (e)-Enter the Other Officer's principal place of business. (i.e. Honolulu, HI; Washington, D.C.; Los Angeles, CA)

Line 12-Enter a brief description of the specific ballot question(s) or issue(s) that the Committee is supporting or opposing.

Line 13 (a)-Check this box and provide the name of the candidate if the Committee is supporting or opposing a single candidate.

Line 13 (b)-Check this box if the Committee is supporting or opposing more than a single candidate. (Committee is not required to provide names if supporting or opposing more than a single candidate.)

Line 14 (a)-Enter the Custodian of Books and Accounts full name.

Line 14 (b)-Enter the Custodian of Books and Accounts mailing address. Include city, state and zipcode.

Line 14 (c)-Enter the Custodian of Books and Accounts business and residence telephone number.

Line 14 (d)-Enter the Custodian of Books and Accounts occupation.

Line 14 (e)-Enter the Custodian of Books and Accounts principal place of business. (i.e. Honolulu, HI; Washington, D.C.; Los Angeles, CA)

FILING REPORTS

I. Where to File Reports

Oahu and Mainland Campaign Spending Commission
Noncandidate Committees Leiopapa A Kamehameha Building

235 South Beretania Street, Room 300

Honolulu, Hawaii 96813

Noncandidate committees on the island of Oahu and from the mainland are required to submit an original and one copy of all reports filed with the Commission.

Hawaii Noncandidate Committees County Clerk's Office/Elections Division (808) 961-8277

25 Aupuni Street, Room 105

Hilo, Hawaii 96720

Maui Noncandidate Committees County Clerk's Office/Elections Division (808) 243-7749

200 South High Street, 7th Floor

Wailuku, Hawaii 96793

Kauai Noncandidate Committees County Clerk's Office/Elections Division (808) 241-6350

4396 Rice Street. Room 106

Lihue, Hawaii 96766

Noncandidate committees on the neighbor islands filing directly with the Commission or their respective County Clerk's office are required to submit an original and two copies of all reports. Note that neighbor island noncandidate committees are not restricted from filing directly with the Commission.

II. Reports

Reporting Deadline Falling on a Weekend

Where any reporting deadline falls on a weekend or holiday, the deadline shall be the last working day prior thereto.

Definition of Filed

Whenever a report is required to be filed with the Commission "filed" means that the report is received in the office of the Commission or County Clerk, whichever is applicable, by the date and time specified for filing of such report. **The Commission does not accept post-dated or faxed reports.**

Election Year Reporting

Election years are years in which there are regularly scheduled state and local elections (even-numbered years). Noncandidate committees must follow the requirements for election year reporting.

Preliminary Reports

A Preliminary Primary report must be filed no later than 4:30 p.m. on the tenth calendar day prior to the primary election.

A Preliminary General report must be filed no later than 4:30 p.m. on the tenth calendar day prior to the general election.

Preliminary reports cover financial activity through the fifteenth calendar day prior to the reports due date.

Final Reports

A Final Primary report must be filed no later than 4:30 p.m. on the twentieth calendar day after the primary election.

A Final Election report must be filed no later than 4:30 p.m. on the thirtieth calendar day after the general election.

Final reports cover campaign financial activity through the day of the applicable primary or general election.

Supplemental Reports

The first Supplemental report must be filed no later than 4:30 p.m. on the thirtieth calendar day after the last day of an election year. This Supplemental report covers financial activity from the day after the general election through the last day of the election year.

Short Form Reporting

Noncandidate committees whose aggregate contributions and expenditures for the reporting period each total \$2,000 or less may file a Short Form.

Late Contribution Reporting

Noncandidate committees that receive or make contributions in the aggregate of more than \$500 within the period of fifteen calendar days through four calendar days prior to a primary, special primary, general, or special general election are required to file a Late Contnribution report with the Commission no later than three calendar days prior to the election.

Special Reporting

Noncandidate committees whose aggregate contributions and expenditures for the election period total \$1,000 or less need not file a preliminary and final primary, preliminary general reports, or special election report, but shall file a Final Election period report.

Once a noncandidate committee exceeds the \$1,000 amount, at any time during the election period, the noncandidate committee must file the next required report be it a preliminary, final or special election report and cover all activity from the beginning of the noncandidate committees establishment through the closing of the respective reporting period. All subsequent reports must be filed thereafter until the noncandidate committee terminates their registration with the Commission.

Noncandidate committees not planning to exceed the \$1,000 amount are required to submit a letter to the Commission stating this intention. Noncandidate committees that fail to notify the Commission will be expected to file the required campaign spending reports. Failure to file the required reports will result in a penalty of \$50 for each report that is not filed by the report deadline.

Nonelection Year Reporting

Nonelection years are years in which there are no regularly scheduled state and local elections (odd numbered years).

During a nonelection year, two Supplemental reports are required by noncandidate committees who are registered with the Commission and have a surplus or deficit.

- The first Supplemental report, covering financial activity through June 30th must be filed no later than 4:30 p.m. on the thirtieth calendar day after June 30th.
- The second Supplement report, covering financial activity through December 31st must be filed no later than 4:30 p.m. on the thirtieth calendar day after December 31st.

Termination Report

Noncandidate committees continue to file reports with the Commission until a "Request for Registration Termination" is filed. (see Chapter 7)

III. Receipts, Public Inspection of Reports and Restricitions

Receipts

The Commission or County Clerk is required to give each noncandidate committee filing a report a receipt stating the type of report filed and the date and time of the filing. The receipt serves to notice only that the Commission has received the filed report. Neither the acknowledgment nor the acceptance of the report constitutes express or implied approval, or in any manner indicates that the contents of the report fulfills the requirements of the campaign spending laws and rules of Hawaii.

Public Inspection and Copies of Reports

All reports filed with the Commission and County Clerk's office will be open for public inspection and will be preserved by these offices for ten years. Copies of reports may be purchased in person from the Commission's office or be requested via telephone, fax, mail or e-mail. Neighbor Island residents may make their requests directly to the Commission's office.

Reports of candidates filing on-line may be accessed from the Commission's website - www.hawaii.gov/campaign.

Restrictions

The campaign spending law prohibits anyone from selling or using information from the reports for the purpose of soliciting contributions or for any commercial purpose.

LATE CONTRIBUTIONS REPORT NONCANDIDATE COMMITTEE

The Late Contributions Report is to be used to report all contributions aggregating more than \$500 that are made or received within the period of fifteen calendar days through four calendar days prior to a primary, special primary, general, or special general election. The report is required to be filed no later than 4:30 p.m., three calendar days prior to the election.

NO INFORMATION OR COPIES FROM THE REPORTS SHALL BE SOLD OR USED BY ANY PERSON FOR THE PURPOSE OF SOLICITING CONTRIBUTIONS OR FOR ANY COMMERCIAL PURPOSE.

NONCANDIDATE COMMITTEE NAME:

CONTRIBUTIONS RECEIVED

	FULL NAME, STREET ADDRESS, CITY, STATE AND ZIPCODE OF DONOR	NAME OF EMPLOYER		
DATE	PURPOSE TO WHICH THE CONTRIBUTION WILL BE APPLIED	OCCUPATION	AMOUNT OF CONTRIBUTION	AGGREGATE CONTRIBUTION
			_	

CONTRIBUTIONS MADE

DATE OF CONTRIBUTION	FULL NAME, STREET ADDRESS, CITY, STATE AND ZIPCODE OF CANDIDATE OR COMMITTEE	AMOUNT OF CONTRIBUTION	AGGREGATE CONTRIBUTION
1			

CONTRIBUTION LIMITS

Under the campaign spending law, contributions to noncandidate committees are subject to a limit. This chapter examines the laws concerning the limit placed on contributions to a noncandidate committee and limits that noncandidate committees are subject to in making contributions to candidates.

I. Overview of Limits

Election Period

The contribution limit applies to an election period for a two-year office, the election period is from the day after the previous general election to the day of the next general election for the office. For a four-year office the election period is from the day after the previous general election to the day of the next general election for the office. If the term of office is shortened by reapportionment, the election period is the two-year period between general elections. In case of a special election, the period is from the day after the general election last held for that office through the day of the special election.

Contributions to a Noncandidate Committee

No person or any other entity shall make contributions to a noncandidate committee in an aggregate amount greater than \$1,000 in an election (primary and general).

The primary election period for 2004 is from November 6, 2002 through September 18, 2004 and the general election period is from September 19, 2004 through November 2, 2004. A committee can receive an aggregate amount of \$1,000 for each of these periods.

A monetary contribution may be made to a noncandidate committee by check or cash (currency). A cash contribution of more than \$100 shall not be accepted by the committee without issuing a receipt to the contributor.

Contributions to a Noncandidate Committee from a Sponsoring Corporation

In the case of a corporation or company using funds from its own treasury, there shall be no limit on contributions made to its own corporation or company noncandidate committee.

Contributions from a Noncandidate Committee to a Candidate

This section outlines the limits that the campaign spending law places on contributions that a noncandidate committee can make to a candidate's campaign.

The contribution limits to candidates vary according to the office that a particular candidate is seeking. The contribution limits are as follows:

- A candidate seeking nomination or election to a two-year office, aggregate contributions not to exceed \$2,000 during an election period;
- A candidate seeking nomination or election to a four-year nonstatewide office, aggregate contributions not to exceed \$4,000 during an election period;

 A candidate seeking nomination or election to a four-year statewide office, aggregate contributions not to exceed \$6,000 during an election period.

The following is a list of offices associated with the respective contribution limits; unless otherwise provided for by law:

Two-Year State House of Representatives (\$2,000) County Council (Hawaii, Maui, Kauai)

Four-Year State Senate Nonstatewide Mayor

(\$4,000) Prosecuting Attorney

City Council (Honolulu)
Board of Education

Four-Year Governor Statewide Lt. Governor

(\$6,000) Office of Hawaiian Affairs

A corporation and an individual who owns a controlling interest are considered a single person. Individuals in a position to direct the companies resources, especially political contributions may have a controlling interest in the company or corporation.

No committee or organization may have persons that serve on two or more different committees or organizations that supports or opposes a single candidate.

Contributions to a Political Party

No person or any other entity other than political committees established and maintained by a national political party shall make contributions to a political party in an aggregate amount greater than \$25,000 in any two-year election period. No political committee established and maintained by a national political party, shall make contributions to a political party in an aggregate amount greater than \$50,000 in any two-year election period.

Political committees established and maintained by a national political party means the National Committee, the House Campaign Committee and the Senate Committee.

Remember that political parties are also considered noncandidate committees but differ in the amount of contributions they can receive.

Contributions from a Political Party to a Candidate

Political parties and political committees established and maintained by a national political party are limited to the limits set for the respective offices.

Contributions to a Ballot Issue Committee

A ballot issue committee is a committee that has the exclusive purpose of making or accepting contributions or expenditures for or against any issue appearing on the ballot.

These committees are exempt from any contribution limits.

II. Contributions from Spouses and Dependent Minors

A husband and wife are treated as separate persons under the campaign spending law. A person may not make a contribution on behalf of a spouse or any other individual. Any contribution by check must include the signature of the contributor.

A contribution by a dependent minor is required to be reported in the name of the minor but is counted against the contribution limit of the minor's parent or guardian.

III. Contributions to be Promptly Deposited

("Contribution" in this section refers only to monetary contributions.)

The date a contribution is deposited into a financial institution is the date that the noncandidate committee has received a contribution. Contributions are required to be promptly deposited <u>no later than seven days</u> after a contribution has been received by the individual authorized to receive contributions on behalf of the noncandidate committee.

Any failure to timely deposit a contribution shall not obviate the requirement to disclose and report the contribution in the next report. The Commission recommends that noncandidate committees devise a workable method to assure that contributions are deposited in a timely manner.

EXCESS and PROHIBITED CONTRIBUTIONS

I. Excess Contributions

An excess contribution is any contribution over the legal limit. Any excess contribution must be reported to the Commission within thirty days of receipt of the contribution. Within thirty days of receipt of an excess contribution, the excess may be returned to the original donor or transferred to the Hawaii election campaign fund. After thirty days of receipt of an excess contribution the excess must be transferred to the Hawaii election campaign fund.

II. Prohibited Contributions

Contributions in the Name of Another (False Name)

A contribution made by one person in the name of another is prohibited under the campaign spending law. Contributions to candidates must be from a person's own money and in the name of the same person. A contribution by a person that is reimbursed or in any way compensated by another person is prohibited.

If the Commission finds that contributions were made in the name of another, those contributions shall automatically escheat to the hawaii election campaign fund.

Anonymous Contributions

Noncandidate committees shall not knowingly receive, accept, or retain an anonymous contribution of any amount, or enter or cause such contribution to be entered in its accounts as an anonymous contribution or in a name other than the true name of the person who actually furnished the contribution. In the event that an anonymous contribution is received by a noncandidate committee, it shall be returned to the contributor if they can be identified. If the contributor cannot be identified, the contribution shall escheat to the Hawaii election campaign fund.

Foreign Nationals

No contributions or expenditures shall be made to or on behalf of a noncandidate committee by a foreign nation or foreign corporation, including a domestic subsidiary of a foreign corporation, a domestic corporation that is owned by a foreign national, or a local subsidiary where administrative control is retained by the foreign corporation.

An individual is eligible to make a contribution to a noncandidate committee if the individual has a "green card" indicating that he or she has been lawfully admitted for permanent residence and the source of funds are generated locally.

III. Loans

Loans may not be accepted or made by noncandidate committees.

KEEPING RECORDS

Noncandidate committees are required to maintain records on contributions and expenditures for at least five years, unless otherwise indicated by the Commission.

I. Recording Contributions (Monetary and Non-monetary)

With respect to contributions, the campaign spending law requires a noncandidate committee to establish and maintain an itemized record showing the amount of each monetary contribution and the description and fair market value of each non-monetary contribution of more than \$25. To assure full compliance with the requirement that committees report the required information of all contributions in **aggregate** of more than \$100, the Commission recommends that committees establish and maintain an itemized record of all contributions including those that are \$25 or less.

Identifying Contributions

Contributions of \$100 or Less

The Commission requires keeping records for identifying contributions that are less than \$100 (date of receipt and deposit, contributor's full name and address, and the amount).

Contributions of More Than \$100

For each contribution that aggregated more than \$100, either by itself or when added to the contributor's previous contributions made during the same election period, records must identify each contribution by:

- · Date of receipt and deposit;
- · Contributor's full name and address;
- Contributor's employer and occupation: and
- Amount contributed.

The amount of a non-monetary contribution should be the fair market value during the time of the non-monetary contribution.

II. Recording Contributions to Candidates

Noncandidate committees must keep records that identify a contribution by the following:

- Date of the contribution;
- Candidate's full name and address
- Amount of the contribution.

III. Recording Expenditues

Noncandidate committees must keep records that identify an expenditure by the following:

- Date of the expenditure;
- Vendor's full name and address;
- Purpose of the expenditure (a brief description of why the expenditure was made); and
- Amount of the expenditure.

Reporting of Certain Expenditures

Expenditures reported under vague purposes or consolidated into categories such as petty cash, VISA, Master Card, reimbursement, or ad agency would not meet the requirements of the campaign spending law. All expenditures made, incurred, or authorized by or for the committee must be reported, including the name and address of each payee and the amount, date, and purpose of each expenditure. Expenditures are to be reported as to the date that the goods are delivered or the service is provided to the committee. Financial institutions, individuals reimbursed for expenses, lump sum cash payments, and ad agencies are viewed as intermediaries of expenditures. Any use of intermediaries that would have the result of concealing the true and complete nature of the expenditures would not meet the requirements of the campaign spending law.

Reports that describe the purpose in vague terms or fail to include the ultimate payee of the expenditure shall be returned to the committee as a defective report.

COMPLETING THE REPORTS

I. Reporting Forms

The Commission's forms should be typed; printing in ink is also acceptable as long as the forms are legible. Committees submitting illegible reports will be required to refile.

Disclosure Report (Form NC-3)

The Disclosure Report is used by the noncandidate committee to report to the Commission a summary of contributions and expenditures for applicable reports and reporting periods.

Short Form Report (Form NC-3)

The Disclosure Report form also serves as the Short Form allowed by law for committees with limited activity. Short Form reporting requires completion of only Sections I, II and III-Part I.

Checking the Short Form box indicates that the committee has aggregate contributions and expenditures for the reporting period totaling \$2,000 or less.

Late Contribution Report

The Late Contribution Report is a separate form that must be filed by noncandidate committees that receive or make contributions in the aggregate of more than \$500 within the period of fifteen calendar days through four calendar days prior to a primary, special primary, general, or special general election. The Late Contribution Report is required to be filed with the Commission no later than three calendar days prior to the election.

Committees are required to report the date that the contribution was received, the name and address of the contributor, the employer and occupation of the contributor, the amount contributed, the aggregate amount for the election period, and the purpose, if any, to which the contribution will be applied. For contributions that are made, the committee is required to report the date of the contribution, the name and address of the candidate or committee receiving the contribution, the amount contributed, and the aggregate amount for the election period.

Schedules

Noncandidate committees may be required to file the following Schedules as attachments to the Disclosure Report:

- Schedule A (Form NC-3(A)) Monetary and Non-Monetary Contributions;
- Schedule B (Form NC-3(B)) Contributions to Candidates;
- Schedule C (Form NC-3(C)) Expenditures;
- Schedule D (Form NC-3(D)) Other Receipts.

II. Special Rules for First Report

New Committee

Noncandidate committees that are filing an Organizational report with the Commission is required to simultaneously provide the name, address, occupation, and employer of each contributor who has contributed an aggregate amount of more than \$100 since the last election. The committee should

complete a Disclosure Report form and the appropriate Schedules to fulfill this requirement.

Continuing Committee

The Commission places emphasis on this Supplemental report because it serves as the first report for the new "election period."

The first Supplemental report is "zero based" meaning contributions and expenditures of the previous election period are cumulated and reflect:

- · Carryover cash on hand; and
- Any contributions and expenditures received or made from the day after the General/2nd Special Election through the last day of the election year.

III. Reporting Cash on Hand

Noncandidate committees must report on the Disclosure Report (Line 1, Column B) the cash on hand it had at the beginning of the <u>election period</u>. The election period begins the day after the general election, so it would be the cash on hand as of that date.

Committees must report on the Disclosure Report (Line 2, Column A) the cash on hand it had at the beginning of the <u>reporting period</u>. Note that the closing cash on hand for the current reporting period appears on the next report as beginning cash on hand.

If your committee's sole intent is to make contributions to candidates directly from the corporation's own treasury account, the cash on hand for the election period (Line 1, Column B) and the reporting period (Line 2, Column A) will always be zero.

IV. Contributions Received (Schedule A)

Noncandidate committees report the total amount of contributions they received on line items listed on the Detailed Summary page of the Disclosure Report (Section III, Part 2, Line 7, 8 or 9). For each line item, a committee must disclose the total amount for the current reporting period and the election period total to date.

Contributions of \$100 or less are not required to be itemized on Schedule A. Only an aggregate total for the reporting period is reported on the line item of the Disclosure Report (Line 7, Column A). Once a single contributor's total aggregates more than \$100, however, the committee is required to itemize that contribution by providing the required information for contributions of more than \$100.

Committees use Schedule A for itemizing contributions of more than \$100 that are received. Information to be itemized on this schedule includes:

- Date of the deposit;
- Contributor's full name and address
- Contributor's employer and occupation;
- Amount contributed for the reporting period; and
- Aggregate amount for the election period.

The employer and occupation information is required for all contributions in aggregate of more than \$100 listed on Schedule A. In gathering the employer and occupation information, a committee should remember that if a contributor is an individual and self-employed, that should be stated in the "Employer" space. If the contributor is not employed, the space may be left blank, but the "Occupation" space should be completed (e.g., "unemployed", "retired", "homemaker").

When determining whether to itemize a non-monetary contribution, the committee should treat it the same as a monetary contribution. The only difference is that the amount of a non-monetary contribution must also be included in the committee's total expenditures (Schedule C) in order to avoid inflating cash on hand.

** In the case of a corporation or company using funds from its own treasury to sponsor its own noncandidate committee, the total amount of funds that have been used for contribution to candidates or for other purposes should be reported on Schedule A.

Example of Aggregation

Suppose an individual makes two contributions to a noncandidte committee during the same election period. The contributor contributes \$100 during the first month of the election period. Because the contribution does not exceed \$100, the contribution is not required to be itemized. Instead, the \$100 contribution is reported in the aggregate total of contributions of \$100 or less. Subsequently, the same contributor makes an additional contribution of \$10 during the same election period. This contribution must be itemized, since the aggregate total of the contributor's contribution now exceeds the \$100 threshold for itemization.

V. Contributions to Candidates (Schedule B)

Noncandidate committees report the total amount of contributions made to candidates on the line item listed on the Detailed Summary page of the Disclosure Report (Section III, Part 2, Line 12). For the line item, a committee must disclose the total amount for the current reporting period and the election period total to date.

Contributions to candidates are to be itemized regardless of amount. Committees use Schedule B to itemize each contribution made to candidates. Information to be itemized on schedule include the following:

- Date of the contribution;
- Candidate's full name and address
- Amount contributed for the reporting period; and
- Aggregate amount for the election period for that specific candidate.

Non-monetary contributions made to candidates are also reported on Schedule B. The amount that was used to purchase the non-monetary contribution are reported. Furthermore, to facilitate the candidates reporting requirements of the non-monetary contribution, the committee should provide this amount to the candidate at the time the non-monetary contribution is made.

Committees should specify on Schedule B whether the contribution is in fact a non-monetary contribution. The committee should also provide a description of the non-monetary contribution on Schedule B.

VI. Expenditures (Schedule C)

Noncandidate committees report the total amount of expenditures made on the line item listed on the Detailed Summary Page of the Disclosure Report (Section III, Part 2, Line 13). For the line item, a committee must disclose the total amount for the current reporting period and the election period total to date.

An expenditure, for the purpose of influencing the nomination for election, or election, of any candidate to office whether or not the candidate has filed nomination papers, include the following as provided in the campaign spending law:

- Any purchase or transfer of money or anything of value;
- A promise or agreement to purchase or transfer money or anything of value;
- Payment incurred or made; and
- The use or consumption of a non-monetary contribution.

Such expenses include payments for normal operating expenses, rent, advertising, office supplies, office equipment, contributions to other noncandidate committees, and contributions to political parties.

Expenditures and all non-monetary contributions received by a noncandidate committee are to be itemized regardless of amount. Committees use Schedule C to itemize each expenditure made. Information to be itemized include the following:

- Date of the expenditure;
- Vendor's full name and address
- Purpose of the expenditure (a brief description of why the expenditure was made); and
- Amount of the expenditure.

The campaign spending law considers an expenditure to be made or incurred when the services are rendered or the product is delivered. (Accrual basis)

VII. Other Receipts (Schedule D)

Noncandidate committees must report the total amount of other receipts they received on the line item listed on the Detail Summary page of the Disclosure Report (Section III, Part 2, Line 10). For the line item, a committee must disclose the total amount for the current reporting period and the election period total to date.

Other receipts are required to be itemized regardless of amount. Committees use Schedule D to itemize other receipts that are received. Information to be itemized include the following:

- Date of the deposit;
- Source's full name and address;
- Description of the other receipt:
- Other receipt amount for the reporting period; and
- Aggregate receipt amount for the election period.

VIII. Filing Amendments

The noncandidate committee must file an amended report if it:

- Discovers that an earlier report contained erroneous information; or
- Does not obtain all the required information about a particular itemized contribution or expenditure.

When filing an amended report, the committee should complete the Disclosure Report, indicating in Section II that the report is an amended report. In addition to the Disclosure Report, the committee should file a corrected version of the schedule that contained the incorrect or incomplete information. Transactions originally reported correctly do not have to be itemized again. The Commission recommends that the committee also attach a cover letter explaining the amendment(s).

TERMINATING REGISTRATION WITH THE COMMISSION

I. Eligibility

The noncandidate committee terminates by filing a "Request for Registration Termination" form with the Commission. This form is available at the Commission's office or from the Commission's website.

The termination form may be filed at any time, provided that:

- The committee will no longer be receiving any contributions or making any expenditures reportable to the Commission;
- The balance of the committee's campaign fund is zero. (No surplus); and
- There are no unpaid expenditures to be paid. (No deficit)

It should be noted that the filing of the termination form is only a request, and that termination is complete upon approval by the Commission.

II. In the Event of a Surplus

Noncandidate committees must continue reporting with the Commission until all surplus funds have been disbursed accordingly.

III. In the Event of a Deficit

Noncandidate committees with unpaid expenditures must continue reporting with the Commission until all creditors have been paid.

REQUEST FOR REGISTRATION TERMINATION

(We)		, hereby notify the
	Print Name of Candidate, Noncandidate Committee or State and County Co	ontractor
Campaig for the f	n Spending Commission ("Commission") of (my) (our) desire to ollowing reasons:	terminate registration with the Commission
•	 (I) (We) will no longer be receiving any contributions or mak Commission under law; 	ing any expenditures reportable to the
2	2. The balance of (my) (our) campaign fund is zero. (No Surpl	us);
3	3. There are no unpaid expenditures to be paid. (No Deficit);	
4	1. There are no outstanding loans from others to be paid by th	e Candidate Committee. (No Deficit);
Ę	5. There are personal outstanding loans owed to myself (candiby the Candidate Committee. The outstanding loans by mysa non-reimbursable contribution to my Candidate Committee	self (candidate) should be considered as
hereby ce	ertify that the information on this report is true, correct and complete statement	s to the best of my knowledge.
gnature o	f Candidate, Committee Chairperson of Noncandidate Committee or	Date
ate and C	County Contractor	
	FOR OFFICE USE ONLY	,
leviewed	and Approved By Date	

INSTRUCTIONS FOR COMPLETING THE NONCANDIDATE COMMITTEE DISCLOSURE REPORT (FORM NC-3)

The Campaign Spending Commission provides these instructions to assist the noncandidate committee in completing the Disclosure Report. The Disclosure Report should be used to report a summary of totals for the applicable reporting period and election period. The reporting period totals are taken from the appropriate Schedules that apply to your respective campaign. For example, for monetary and non-monetary contributions use Schedule A, for contributions to candidates use Schedule B, for expenditures use Schedule C and for other receipts use Schedule D. Schedules A through D are available at the Commission's office or the Commission's website. The Disclosure Report should be submitted with only those Schedules that apply to your respective noncandidate committee.

Section I Noncandidate Committee

Line (a)	Enter the full name of the noncandidate committee;
Line (b)	Enter the mailing address of the noncandidate committee;
Line (c)	Enter the treasurer's business and residence phone number.

Section II Type of Report and Reporting Period

Complete this section by referring to the schedule of reporting dates. The schedule provides the required report to be filed and the period that it covers.

Amended Box

If a report is amended, check the amended box in addition to the applicable report that is being amended (e.g., Preliminary Primary, Final Primary).

Short Form Report

Line 4, Columns A & B

Checking the Short Form box indicates that the committee had aggregate contributions and expenditures for the reporting period each totaling \$2,000 or less. Short form reporting requires completion of only Sections I, II, and III-Part 1 and the necessary signatures.

Section III, Part 1		ary of Receipts and Disbursements lete Section III, Part 2 before completing this section.)
Column A		gure in this column is the total for the reporting period. The ng period is the period you specify in Section II.
Column B	_	ure in this column is the election period total to date. The election runs from November 6, 2002 through November 2, 2004.
Line 1, Column	В	Enter the cash on hand (bank balance) as of November 6, 2002 or the date that the Organizational Report was filed. This figure should remain the same throughout the election period.
Line 2, Column	Α	Enter the cash on hand (bank balance) at the beginning of the reporting period (the reporting period is the period you specify in Section II.)
Line 3, Column	s A & B	From Section III, Part 2 enter the figures from Line 11.

Column B, enter total.

Add Lines 2 and 3 for Column A and Line 1 and 3 for

Line 5, Columns A & B From Section III, Part 2 enter the figures from Line 14.

Line 6, Columns A & B Subtract Line 5 from line 4 for Columns A & B, enter

totals. The resulting totals in Columns A and B represent your closing cash on hand (bank balance) at the close of the reporting period. **The totals for both**

Columns A and B should be identical.

Section III, Part 2 Detailed Summary of Receipts and Disbursements (Complete Schedules A through D before completing this section.)

Line 7,Columns A & B

Enter in Column A the aggregate total of monetary contributions that are \$100 or less. For example, if the noncandidate committee received five contributions of \$50 each, enter the aggregate total of \$250 in Column A.

Column B is your aggregate election period total to date.

Enter in Column A the aggregate total of non-monetary contributions that are \$100 or less. Column B is your

aggregate election period total to date.

Line 9, Columns A & B Enter in Column A the total from Schedule A, line 2.

This total represents the monetary and non-monetary contributions of more than \$100 received during the reporting period. Column B is your aggregate election

period total to date.

Line 10, Columns A & B Enter in Column A the total from Schedule D, line 2. All

other receipts received during the reporting period should be itemized on Schedule D. Column B is your

aggregate election period total to date.

Line 11, Columns A & B Add lines 7 through 10, enter totals.

Line 8, Columns A & B

Line 12, Columns A & B Enter in Column A the total from Schedule B, line 2. All

contributions made to candidates during the reporting period should be itemized on Schedule B. Column B is

your aggregate election period total to date.

Line 13, Columns A & B Enter in Column A the total from Schedule C, line 2. All

expenditures made during the reporting period should be itemized on Schedule C. Column B is your aggregate

election period total to date.

Line 14, Columns A & B Add lines 12 and 13, enter totals.

OAHU COMMITTEES-SUBMIT 1 ORIGINAL AND 1 COPY NEIGHBOR ISLAND COMMITTEES-SUBMIT 1 ORIGINAL AND 2 COPIES

STATE OF HAWAII CAMPAIGN SPENDING COMMISSION

DISCLOSURE REPORT NONCANDIDATE COMMITTEE

PLEASE	TYPE OR PRINT CLEARLY WITH INK (INSTRUCTIONS FOR COMPLETING THE DISCLOSURE	REPORT CAN BE I	FOUND IN THE "GUIDEBO	OOK FOR NONCAN	DIDATE COMMITTEES.")
SECT	ION I-NONCANDIDATE COMMITTEE:	SECTION I	I-TYPE OF REPO	RT:	
(a) C	ommittee Name:	(See the Se	chedule of Repor	ting Dates to	complete this section)
		[] Prelimi	nary Primary	[] Amende	ed
(b) M	ailing Address:	[] Final P	rimary	[] Short F	orm
		[] Prelimi	nary General	REP	ORTING PERIOD
(c) Ph	hone (Bus) (Res)	[] Final El	ection Period		through
	Treasurer's	[] Supple	mental		
	SECTION III (Part 1)-SUMMARY OF (Complete Section III (Part 2) on the Second Ha			g This Section) N A	COLUMN B ELECTION PERIOD TOTAL TO DATE
	Cash on Hand at the Beginning of the Election Period (Continuing Com he time the Organizational Report was Filed (New Committee)				
2. C	Cash on Hand at the Beginning of this Reporting Period				
3. T	otal Receipts (From Line 11, Column A and B)				
4. S	Subtotal (Add Lines 2 and 3 for Column A and Lines 1 and 3 for Colum	nn B)			
5. T	otal Disbursements (From Line 14, Column A and B)	•••••			
	Cash on Hand at the Closing of this Reporting Period (Subtract Line 5 to Columns A and B)				
RECE	SECTION III (Part 2)-DETAILED SUMMA (If Necessary, Complete Schedules A th				
7. N	Monetary Contributions of \$100 or Less	•••••			
8. N	Ion-Monetary Contributions of \$100 or Less				
	Aggregate Monetary and Non-Monetary Contributions of More Than \$1 Schedule A, Line 2 for Column A)				
10. 0	Other Receipts (Schedule D, Line 2 for Column A)				
11. T	otal Receipts (Add Lines 7 through 10 for Columns A and B)				
DISBI	URSEMENTS				
12. C	Contributions To Candidates (Schedule B, Line 2 for Column A)	•••••			
13. E	expenditures (Schedule C, Line 2 for Column A)				
14. T	otal Disbursements (Add Lines 12 and 13 for Columns A and B)	•••••	,		
l herel	by certify that the information on this report and all attached Schedule	es are true, co	rrect and complete	to the best of	my knowledge.

SCHEDULE A MONETARY AND NON-MONETARY CONTRIBUTIONS NONCANDIDATE COMMITTEE

REMINDER: NON-MONETARY CONTRIBUTIONS ARE ALSO REQUIRED TO BE REPORTED AS EXPENDITURES (Schedule C).

ICANDIDA	TE COMMITTEE NAME:	PAGE	OF	
		-		
	FULL NAME, STREET ADDRESS, CITY, STATE AND ZIPCODE OF DONOR	*REQUIRED IF AGGREGATE IS MORE THAN \$100 NAME OF EMPLOYER (IF INDIVIDUAL)	AMOUNT OF CONTRIBUTION OR FAIR MARKET VALUE OF NON-MONETARY	AGGREGAT
DATE OF DEPOSIT	IF A DEPENDENT MINOR, ENTER NAME OF PARENT	OCCUPATION (IF INDIVIDUAL)	CONTRIBUTION THIS PERIOD	ELECTION PE TOTAL TO D
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	[] NON-MONETARY CONTRIBUTION			····
	[] NORWOLLIAM CONTRIBUTION			
	[] NON-MONETARY CONTRIBUTION			
	[] NON-MONETARY CONTRIBUTION			
SUBTOTAL	L OF MONETARY AND NON-MONETARY CONTRIBUTIONS	THIS PERIOD (THIS PAGE)	L	
	MONETARY AND NON-MONETARY CONTRIBUTIONS THIS			
	REPORT, SECTION III (PART 2), LINE 9, COLUMN A)			

SCHEDULE B CONTRIBUTIONS TO CANDIDATES NONCANDIDATE COMMITTEE

NO INFORMATION OR COPIES FROM THE REPORTS SHALL BE SOLD OR USED BY ANY PERSON FOR THE PURPOSE OF SOLICITING CONTRIBUTIONS OR FOR ANY COMMERCIAL PURPOSE. NONCANDIDATE COMMITTEE NAME: PAGE OF DATE AMOUNT OF AGGREGATE OF CONTRIBUTION CONTRIBUTION **ELECTION PERIOD** FULL NAME, STREET ADDRESS, CITY, STATE AND ZIPCODE OF CANDIDATE THIS PERIOD TOTAL TO DATE 1. SUBTOTAL OF CONTRIBUTIONS TO CANDIDATES THIS PERIOD (THIS PAGE)...... 2. TOTAL OF CONTRIBUTIONS TO CANDIDATES THIS PERIOD (LAST PAGE THIS LINE ONLY) (ENTER TOTAL ON THE DISCLOSURE REPORT, SECTION III (PART 2), LINE 12, COLUMN A)....

SCHEDULE C EXPENDITURES NONCANDIDATE COMMITTEE

NO INFORMATION OR COPIES FROM THE REPORTS SHALL BE SOLD OR USED BY ANY PERSON FOR THE PURPOSE OF SOLICITING CONTRIBUTIONS OR FOR ANY COMMERCIAL PURPOSE

NONCANDIDATE COMMITTEE NAME:		PAGE	OF
DATE OF EXPENDITURE	FULL NAME, STREET ADDRESS, CITY, STATE AND ZIPCODE OF VENDOR OR SOURCE OF NON-MONETARY CONTRIBUTION	PURPOSE OF EXPENDITURE OR DESCRIPTIO NON-MONETARY CONTRIBUTION	AMOUNT OF PAID EXPENDITURE OF FAIR MARKET VALUE OF NON-MONETARY CONTRIBUTION THIS PERIOD
			-
	XPENDITURES THIS PERIOD (THIS PAGE)		<u> </u>

SCHEDULE D OTHER RECEIPTS NONCANDIDATE COMMITTEE

NO INFORMATION OR COPIES FROM THE REPORTS SHALL BE SOLD OR USED BY ANY PERSON FOR THE PURPOSE OF SOLICITING CONTRIBUTIONS OR FOR ANY COMMERCIAL PURPOSE

NCANDIDATE COMMITTEE NAME:		PAGE	PAGE OF		
DATE OF DEPOSIT	FULL NAME, STREET ADDRESS, CITY, STATE AND ZIPCODE OF SOURCE OF OTHER RECEIPT	DESCRIPTION OF OTHER RECEIPT	AMOUNT OF OTHER RECEIPT THIS PERIOD	AGGREGATE ELECTION PERI TOTAL TO DA	
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